

**Harrington Park
Zoning Board of Adjustment
MINUTES
October 26, 2016**

Chair McLaughlin brought the meeting to order at 8:01PM.

ROLL CALL

Richard McLaughlin	X	Steve Lott	X
Michael Roth	X	Stephen Martinez	X
John Powers	X		
Jin Cho	Absent	Todd Cannao	X
		Robert Budinich	X

Also present: Florence Savoye, Land Use Clerk
John Schettino, Board Attorney

Application for Use Variance

Peter Mucciolo, Jr.

100 Schraalenburgh Road Block 1204 Lot 14

The above said property is in the B-1 District which per H.P. 350-13 A. (1) does allow all uses permitted in any residential district but the above was classified by the Borough as a Pre-Existing Non-Conforming four family within two separate structures (i.e., a multi-family of three units and a separate cottage).

The following are the Zoning violations identified that would need relief. N.J.S.A. 40:55D-72 provides the criteria for your appeal:

1. Per H.P Code 350-84 C. Expansion of a nonconforming "USE", without approval, which existed prior to enactment of this chapter from a four family to a six family.
2. Per H.P. Code 350-13 A. (1) uses permitted in any residential district, is restricted to Single Family Use.
3. Per Residential Districts H.P Code 350-9, 350-10. and 350-11 allows one Principle "USE" structure on a same lot.

Mr. Peter A. Mucciolo of 608 Chestnut Ridge Road, Chestnut Ridge, NY 10977, was sworn in by Chair McLaughlin. Mr. Mucciolo was questioned by Mr. Schettino as to the nature of his appeal. He explained the requirements of each appeal, the Use variance, and the zoning variance.

Mr. Mucciolo explained that he is before the board because when he sought a CCO in order to sell the property, he was informed by the Harrington Park Construction Official that no CCO could be issued due to the number of living spaces exceeding the configuration on record. He testified the building has been in the same configuration since it was purchased in 1999, with 5 living spaces in the main building, and one in the smaller, back building. Approximately ten or eleven adults have been living in the building.

Mr. Schettino summarized the applicants appeal: having more small apartments have less impact on the community and school than fewer, larger apartments.

He also mentions the possibility of a potential purchaser pursuing the application, providing the upgrades they are planning.

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Exhibit A: A three page, color-coded floor plan of the first and second floors of the building reconfiguring the building into 3 rather than 5 apartments, and the existing floor plan. Currently, there is (1) three bedroom apartment, (1) 2 bedroom apartment, and (3) one bedroom apartments.

Mr. James Massaro, of 43 Charles Pl. Old Tappan, NJ 07640, testifies as a potential buyer. He proposes upgrading the exterior of the building and the property. New siding, roofing, windows, paint, and landscaping, removal of old cars, etc.

Mr. Schettino mentions the parking issue, that any application must have a parking plan, and an attorney should also look into the possible COAH issues. Mr. Massaro concludes that proving the building is a pre-existing, non-conforming structure may not be impossible, and that pursuing a use variance might require an attorney. Mr. Mucciolo and Mr. Massaro request carrying the application to the next meeting, or perhaps filing an all-new application.

Mucciolo Carried to November meeting	Move	Second	YES	NO	Abstain
McLaughlin			X		
Roth			X		
Powers	X		X		
Cho					
Martinez			X		
Lott		X	X		
Cannao			X		
Budinich			X		

**Should the applicant choose to pursue the current application at the next meeting, there will be no need to re-notice.*

Minutes for Approval: September, 2016 (with change)

	Move	Second	YES	NO	Abstain
McLaughlin			X		
Roth	X		X		
Powers			X		
Cho			X		
Martinez					X
Lott			X		
Cannao		X	X		
Budinich					X

No Invoices for Approval

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Toomin Resolution for Approval

	Move	Second	YES	NO	Abstain
McLaughlin			X		
Roth		X	X		
Powers			X		
Cho					
Martinez					X
Lott	X		X		
Cannao			X		
Budinich					X

OLD BUSINESS

Verselis Application: ...to be carried to November meeting

	Move	Second	YES	NO	Abstain
McLaughlin			X		
Roth	X		X		
Powers			X		
Cho					
Martinez			X		
Lott		X	X		
Cannao			X		
Budinich			X		

Adjourned by unanimous "Aye" @ 9:03PM

**Next Meeting
November 16, 2016**